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SEP 08 2004

OFFICE OF PETITIONS

In re Application of	:	
Bo Yeoun Jo	:	
Application No. 10/750,246	:	DECISION ON PETITION
Filed: December 31, 2003	:	
Atty Docket No. 20059/PIA31075	:	

This is a decision on the petition filed June 29, 2004, requesting that the above-identified application be accorded a December 31, 2003 filing date and that the Office acknowledge that the correct drawings were received on that date.

The application was deposited on December 31, 2003. However, on May 10, 2004, the Office mailed a "Notice to File Corrected Application Papers" stating that the application had been accorded a filing date; however, figures 1A, 1B, 1C, and 1D described in the specification appeared to have been omitted. (In addition, substitute drawings in compliance with 37 CFR § 1.84 were required.)

In response, the present petition was filed. Applicant states that the application as filed erroneously included superfluous Figures 1- 3D. However, applicant contends that the correct drawings were present in the application on filing by virtue of their presence in the accompanying certified copy of the Korean Patent Application. Applicant submits, what he indicates are, copies of the drawings in English (3 sheets of drawings containing figures 1A, 1B, 1C, 1D and 2).

A review of the record confirms that five (5) sheets of drawings were submitted with the application papers on December 31, 2003. However, a review of the drawings reveals that the five (5) sheets of drawings contain Figures 1, 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3C, and 3D. Yet, the brief description of drawings and the body of the specification for this application describe drawings of Figures 1A, 1B, 1C, 1D and 2 directed to a process of an MIM semiconductor device. Clearly, the five (5) sheets of drawings filed with this application are not the drawings intended for this application. Therefore, the application, as filed, is considered as though it was filed without drawings.

A further review of the record reveals that the application papers, deposited December 31, 2003, included a priority document, which contained two (2) sheets of drawings. The three (3) sheets of drawings submitted June 29, 2004, are not identical to the two (2) sheets of drawings in the priority document submitted December 31, 2003. The drawings in the priority document are in the Korean language. The drawings in the priority document will be construed as the drawings for this application for filing date purposes.

The five (5) sheets of drawings, which contain Figures 1, 2A, 2B, 2C, 2D, 2E, 2F, 3A, 3B, 3C, and 3D, submitted on December 31, 2003, are considered withdrawn and will not be entered or used during the prosecution of this application.

To the extent indicated herein, the petition is **GRANTED**.

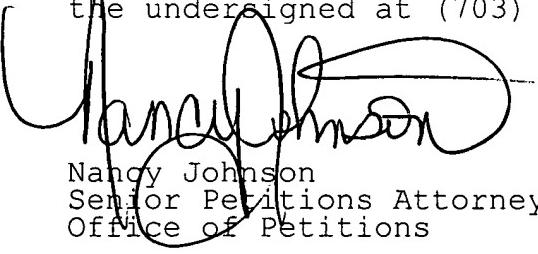
The petition fee will not be refunded since the present petition and petition fee were necessary in view of applicant's filing error.

Receipt of the preliminary amendment to the specification filed June 29, 2004, is acknowledged. See 35 U.S.C. 132.

The application file will be returned to the Office of Initial Patent Examination for

- processing with a filing date of December 31, 2003, and an indication in Office records that two (2) sheets of drawings were present on filing (in Korean); and
- review of the drawings filed June 29, 2004 as replacement drawings.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.



Nancy Johnson
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Office of Petitions